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STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE DEPARTMENT OF LABOR AND INDUSTRY

<p>In the Matter of:</p> <p>Steve Sviggum, Commissioner, Department of Labor and Industry, State of Minnesota,</p> <p style="text-align: center;">Complainant,</p> <p>v.</p> <p>CB&I Constructors, Inc.,</p> <p style="text-align: center;">Respondent.</p>	<p>PROTECTIVE ORDER</p>
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This matter came on before Administrative Law Judge Eric L. Lipman upon the joint stipulation of the parties of June 10, 2009.

Respondent has requested that Complainant provide the recording (Comm'r 362) and transcript (Comm'r 363) of the interview of the victim of the accident at issue in this case. The recording and the transcript of the victim's statement to Complainant are classified as private data by Minn. Stat. §§ 182.659, subd. 8 (2008).

IT IS HEREBY ORDERED THAT:

1. Complainant is directed to disclose the recording (Comm'r 362) and transcript (Comm'r 363) of the interview of the victim.
2. Disclosure of the recording (Comm'r 362) and transcript (Comm'r 363) of the interview of the victim shall be made only to counsel for Respondent and other qualified persons. Qualified persons shall include:
 - a. The presiding Administrative Law Judge, the Administrative Law Judge's law clerks, clerk of court, court reporters and other court employees who may be involved in further proceedings in this matter;

- b. The parties to the above-entitled matter as necessary to prepare for trial; their counsel and their counsel's legal assistants; and their secretaries and clerical staff members;
- c. Private court reporters; their secretarial and clerical staff members; and their other employees; and
- d. Persons consulted or retained as witnesses in the above-entitled matter.

3. Any recipient of the recording (Comm'r 362) and transcript (Comm'r 363) of the interview of the victim not disclose that private information to any other person to whom disclosure was not authorized by the terms of this Protective Order, nor shall he or she use the information for purposes other than trial preparation or settlement of this matter.

4. Any recipient of the recording (Comm'r 362) and transcript (Comm'r 363) of the interview of the victim, by accepting receipt thereof, agrees to be subject to the jurisdiction of the Administrative Law Judge in connection with any proceeding or hearing relating to that information and/or this Protective Order, including but not limited to, any proceeding relating to enforcement of this Protective Order.

5. There shall be no reproduction whatsoever of the recording (Comm'r 362) and transcript (Comm'r 363) of the interview of the victim disclosed to the Respondent's counsel except that, as required in this litigation, copies, excerpts, or summaries may be shown or given to those authorized to receive such information pursuant to this Protective Order.

6. Upon the conclusion of this litigation, counsel for Respondent will return all private information subject to the foregoing Protective Order to Complainant in care of Complainant's counsel.

7. This Protective Order does not waive the Department of Labor and Industry's ability to invoke or claim the benefit of Minn. Stat. § 182.659, subd. 8 (2008) in the future, and those claims are expressly reserved.

Dated: June 12, 2009.

/s/ Eric L. Lipman

ERIC L. LIPMAN
Administrative Law Judge